

1 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

2 In the Matter of

3 **Anselm N. Chinyere**

Board Case No. 09-0003-PHR

4 Holder of License No. S10598

5 As a Pharmacist

6 In the State of Arizona

**CONSENT AGREEMENT
FOR CIVIL PENALTY AND
CONTINUING EDUCATION**

7 **RECITALS**

8 In the interest of a prompt and judicious settlement of this case, consistent with the
9 public interest, statutory requirements and the responsibilities of the Arizona State Board
10 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Anselm N. Chinyere
11 ("Respondent"), holder of Pharmacist License Number S10598 in the State of Arizona,
12 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law,
13 and Order ("Consent Agreement") as a final disposition of this matter.

14 1. Respondent has read and understands this Consent Agreement and has had
15 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
16 opportunity to discuss this Consent Agreement with an attorney.

17 2. Respondent understands that he has a right to a public administrative
18 hearing concerning the above-captioned matter, at which hearing he could present
19 evidence and cross-examine witnesses. By entering into this Consent Agreement,
20 Respondent knowingly and voluntarily relinquishes all right to such an administrative
21 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
22 any other administrative and/or judicial action, concerning the matters set forth herein.

23 3. Respondent affirmatively agrees that this Consent Agreement shall be
24 irrevocable.

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1 4. Respondent understands that this Consent Agreement or any part of the
2 agreement may be considered in any future disciplinary action by the Board against him.

3 5. Respondent understands this Consent Agreement deals with Board
4 Complaint No. 3431 involving allegations of unprofessional conduct against Respondent.
5 The investigation into these allegations against Respondent shall be concluded upon the
6 Board's adoption of this Consent Agreement.

7 6. Respondent understands that this Consent Agreement does not constitute a
8 dismissal or resolution of any other matters currently pending before the Board, if any,
9 and does not constitute any waiver, express or implied, of the Board's statutory authority
10 or jurisdiction regarding any other pending or future investigation, action or proceeding.

11 7. Respondent also understands that acceptance of this Consent Agreement
12 does not preclude any other agency, subdivision, or officer of this State from instituting
13 any other civil or criminal proceedings with respect to the conduct that is the subject of
14 this Consent Agreement.

15 8. Respondent acknowledges and agrees that, upon signing this Consent
16 Agreement and returning this document to the Board's Executive Director, he may not
17 revoke his acceptance of the Consent Agreement or make any modifications to the
18 document regardless of whether the Consent Agreement has been signed by the
19 Executive Director. Any modification to this original document is ineffective and void
20 unless mutually agreed by the parties in writing.

21 9. Respondent understands that the Consent Agreement shall not become
22 effective unless and until adopted by the Board and signed by its Executive Director.

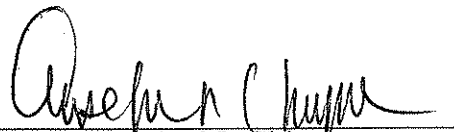
23 10. If a court of competent jurisdiction rules that any part of this Consent
24 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
25 shall remain in full force and effect.
26

11. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

12. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

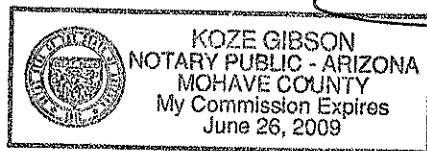
13. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(B)(20), -1927(A)(1).


ACCEPTED AND AGREED BY RESPONDENT


Anselm N. Chinyere

Dated: 9-2-08

Subscribed and sworn to before me in the County of Mohave, State of Arizona, this 2 day of Sept, 2008, by Anselm N. Chinyere




NOTARY PUBLIC
My Commission expires: June 26, 2009

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.

2. Respondent is the holder of license number S10598 to practice as a pharmacist in the State of Arizona.

1 3. During all relevant times to these findings, Respondent worked as a
2 pharmacist at Walgreen's Pharmacy #3245 (the "Pharmacy") in Kingman, Arizona.

3 4. On September 3, 2007, the complainant presented her husband's
4 prescription for seven medications, including Coreg CR® (carvedilol), one 40 mg.
5 capsules per day, to the Pharmacy. Coreg CR is a once-a-day medication used to treat
6 heart failure and high blood pressure.

7 5. The patient had just been released from an eight-day stay in the hospital,
8 where he had been admitted for congestive heart failure and significant enlargement of
9 the heart muscle. He had never taken Coreg CR before.

10 6. Although the physician's handwriting on the prescription was very difficult
11 to read, pharmacy staff did not attempt to contact the physician to get clarification.

12 7. A technician incorrectly entered the prescription as "once every six hours,"
13 rather than one capsule per day as prescribed.

14 8. A drug utilization review (DUR) warning appeared, indicating that the dose
15 was too high. Respondent bypassed the warning by unknown means.

16 9. Respondent reviewed the data entry information and approved the incorrect
17 dosage for the Coreg CR as "once every six hours," rather than one capsule per day as
18 prescribed. The Coreg CR was dispensed with the incorrect dosage on the label.

19 10. Although the Pharmacy computer indicated that the complainant refused
20 counseling, the complainant denied that counseling was offered. The Pharmacy could not
21 locate the counseling sheets for that day.

1 11. The complainant noticed the dispensing error when she returned home,
2 before her husband took the medication.

3 **CONCLUSIONS OF LAW**

4 1. The Board possesses jurisdiction over the subject matter and over
5 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

6 2. The Board may discipline a pharmacist who has engaged in unprofessional
7 conduct. A.R.S. § 32-1927(A)(1).

8 3. The conduct and circumstances described above constitutes unprofessional
9 conduct pursuant to A.R.S. § 32-1901.01(B)(2) (Violating any federal or state law, rule or
10 regulation relating to the manufacture or distribution of drugs and devices or the practice
11 of pharmacy).

12 4. The conduct described above violated Arizona Administrative Code R4-23-
13 402(A)(6) (A pharmacist shall verify that a dosage is within proper limits).

14 5. The conduct described above violated Arizona Administrative Code R4-23-
15 402(A)(7) (A pharmacist shall interpret the prescription order, which includes exercising
16 professional judgment in determining whether to dispense a particular prescription).

17 6. The conduct described above violated Arizona Administrative Code R4-23-
18 402(A)(10)(c) (A pharmacist shall check the prescription order data entry to ensure that
19 the data input communicates the prescriber's directions precisely by verifying dose,
20 dosage form, route of administration, dosing frequency, and quantity).

21 7. The conduct described above violated Arizona Administrative Code R4-23-
22 402(A)(11) (A pharmacist shall make a final accuracy check on the completed
23 prescription medication).

8. The conduct described above violated Arizona Administrative Code R4-23-402(G) (Using a method approved by the Board or its designee, a pharmacist, graduate intern, or pharmacy intern shall document, or assume responsibility to document, that oral consultation is or is not provided.)

ORDER

Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED THAT:

1. For failing to properly verify a prescription, Respondent shall pay a civil penalty of \$1000.00 within ninety (90) days of the effective date of this Order.

2. Within six (6) months of the effective date of this Order, Respondent shall successfully complete and provide proof of successful completion to the Board of eight (8) contact hours (0.8 C.E.U.) of American Council on Pharmaceutical Education (ACPE) courses. The courses shall be pre-approved by Board staff, shall be limited to topics dealing with prescription error prevention, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C. R4-23-204.

DATED this 11 day of September 2008.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By:

Val Wand

HAL WAND, R.Ph.
Executive Director

1 ORIGINAL OF THE FORGOING FILED
this 14 day of Sept., 2008, with:

2 Arizona State Board of Pharmacy
3 1700 West Washington, Suite 250
Phoenix, Arizona 85007

4 EXECUTED COPY OF THE FOREGOING MAILED
5 BY CERTIFIED MAIL
this 14 day of Sept, 2008, to:

6 Anselm N. Chinyere
7 4100 Airway Avenue
Kingman, Arizona 86401
8 Respondent

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EXECUTED COPY OF THE FOREGOING MAILED
this 11 day of Sept., 2008, to:

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorneys for the State of Arizona



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